

Chapter 49.35

PUBLIC IMPROVEMENTS*

* **Cross References:** Public ways and property, CBJ Code tit. 62.

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ARTICLE I.

GENERALLY

- 49.35.110 Purpose.

The purpose of this chapter is to:

- (1) Establish design and development criteria for public improvements; and
- (2) Outline the procedures and responsibilities of the developer for furnishing plans and completing the improvements.

(Serial No. 87-49, § 2, 1987)

49.35.120 Extent and nature of improvements.

(a) All required improvements shall be installed to the boundaries of the development and shall be designed to provide for future extension and service to contiguous areas.

(b) In all subdivisions or other developments in which public streets are to be constructed, the developer shall construct a year-round roadway according to CBJ 49.35.240.

(c) The developer shall install street name signs, traffic control signs and traffic control pavement markings in accordance with the approved plans and the requirements of the current issue of the Manual on Uniform Traffic Control Devices, including the current supplement.

(d) The commission may waive construction requirements only as provided in CBJ 49.35.240 and CBJ 49.35.620.

(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 5, 1995; Serial No. 2002-20, § 2, 8-5-2002)

49.35.130 Standard specifications.

(a) *Compliance with specifications.* Except as provided in this chapter, all subdivision improvements shall be in accordance with the latest revision of the City and Borough subdivision standard specifications and details on file in the engineering department.

(b) *Unusual or unanticipated conditions.* If unusual or unanticipated conditions exist in a particular plat, the director of engineering may prescribe different or additional standards to ensure equal or better performance under the special conditions.

(c) *Change of standards.* Prior to a substantial change in the standards generally applicable to required subdivision improvements, the director of engineering or the director of engineering's designee shall hold a public hearing on the proposed change. The hearing shall be preceded by ten days' published notice. The standards may be changed in response to comments received at the hearing or received at any other time prior to the effective date. The standards shall become effective 30 days after the first notice of the hearing is published. The manager may shorten the notice period or waive the requirement for a hearing and may specify an earlier effective date if the manager finds an emergency exists or that other conditions warrant such action. If the hearing is held with less than three days' published notice, a second hearing preceded by ten days' published notice shall be held.

(Serial No. 87-49, § 2, 1987; Serial No. 92-09, § 2, 1992; Serial No. 99-34, § 5, 1-24-2000; Serial No. 2002-20, § 3, 8-5-2002)

49.35.140 Construction plans.

(a) *Generally.* All of the required improvements shall be installed to the boundaries of the subdivision and shall be designed to provide for future extension to contiguous areas. At least five days prior to construction of required improvements, the developer shall notify the City and Borough engineer of the intended construction.

(b) *Construction plans and profiles.* With the final plat and prior to commencement of construction, the subdivider shall furnish to the director three complete sets of construction plans and profiles of all existing and proposed improvements within the subdivision. All such documents shall be prepared by a licensed professional engineer. The director shall refer the plans to the City and Borough engineer for review.

(c) *Procedure and requirements.*

- (1) Plans and profiles and all construction drawings shall be submitted in triplicate on 22 by 34 inch or 24 by 36 inch plan or profile sheets.
- (2) The drawings shall contain the following information:
 - (A) Name of subdivision;
 - (B) Type of work;
 - (C) Date;
 - (D) Name of engineer preparing the drawings; and
 - (E) Space for approval by the City and Borough engineer.
- (3) North arrow and scale. Horizontal scale is preferred at one inch equals 50 feet. Vertical scale is preferred at one inch equals five feet; minimum is one inch equals ten feet.
- (4) Location and elevations of permanent bench marks shall be shown.
- (5) Profiles of streets shall indicate finished and existing grades for the centerline of the street and shall extend a minimum of 200 feet beyond the limits of the proposed project.
- (6) Plans and profiles, where applicable, shall include details of curbs and gutters, sidewalks, street cross sections, locations and elevations of manholes, catch basins, storm sewers and their appurtenant works, elevations of fire hydrants, water mains, type of pipes, valves and their appurtenant works and locations, size and elevation of sewer mains with their grades and type of pipes, manholes, cleanouts and any other appurtenances.
- (7) Complete survey data must be shown for all horizontal and vertical curves. The minimum length of vertical curves is 200 feet unless otherwise approved.

- (8) Monuments shall be installed by the subdivider's land surveyor at points designated on the final plat as approved by the City and Borough. The monuments must be placed prior to release of the improvement or performance bond.

(d) *As-built drawings.* Upon completion of required improvements, a reproducible mylar copy of as-built plans shall be submitted by the subdivider in accordance with the requirements set forth in the City and Borough of Juneau Subdivision Standard Specifications and Standard Details. (Serial No. 87-49, § 2, 1987)

ARTICLE II.

STREETS*

* **Cross References:** Public ways and property, CBJ Code tit. 62.

49.35.210 Street system.

(a) *Layout.* Subdivision street system shall be designed for the most advantageous development of the entire neighborhood area. Collector streets in adjoining subdivisions shall be continued and shall be of at least equal width. Street jogs shall be avoided. The street system shall provide for connecting streets into adjoining unsubdivided lands.

(b) *Discouragement of through traffic.* Except for major thoroughfares, residential streets shall be laid out to discourage their use by through traffic.

(c) *Future streets.* Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street and utility system of the unsubdivided part shall be furnished and the street and utility system of the submitted part shall be considered in the light of proposed plans for the entire area.

(d) *Half streets.* Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be divided, the other half of the street or alley shall be platted and dedicated, and the entire street or alley shall be constructed.

- (e) *Right-of-way widths.* The minimum right-of-way width of proposed streets shall be as follows:
- (1) *Arterials:* primary, 100 feet; secondary, 80 feet;
 - (2) *Collectors:* 60 feet;
 - (3) *Streets other than arterial and collectors:* 60 feet; provided that for such streets developed with paving, underground drainage and curbs, gutters, and sidewalks on both sides of the street, the minimum right-of-way width shall be 50 feet;
 - (4) *Permanent culs-de-sac:* a radius of 50 feet;

(5) *Alleys: 20 feet.*

(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 6, 1995; Serial No. 2002-20, § 4, 8-5-2002)

49.35.220 Street names.

Streets shall be given names unique in the municipality but similar in style to others in the neighborhood. Proposed street names shall appear on the preliminary plat. The names of streets serving four or fewer lots shall be approved by the director through the minor subdivision process. The names of streets serving more than four lots shall be approved by the commission at the time it approves the preliminary plat. A proposal to change the name of any existing street or right-of-way must be approved by the commission through the conditional use notification and hearing process.

(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 7, 1995)

49.35.230 Design criteria.

(a) *Design speed. (Reserved)*

(b) *Sight distance.* Sight distances for intersection, passing and stopping shall be in accordance with the specifications set forth in A Policy on Geometric Design of Highways and Streets, 1984, as published by the American Association of State Highway and Transportation Officials.

(c) *Street grades.* Grades on arterial streets shall not exceed six percent. Grades on other streets shall not exceed 12 percent. The minimum grade for all streets shall be three-tenths percent. Grades in hillside developments shall be as specified in chapter 49.70, article II.

(d) *Intersections.*

(1) Residential streets should not intersect with arterial or other major streets.

(2) Corner sight distance shall be in accordance with subsection (b) of this section; however in no case shall the sight distance be less than 200 feet.

(3) Intersections of right-of-way lines shall not be less than 60 degrees. Intersection of construction centerlines shall not be less than 80 degrees.

(4) The grade on the approach leg of an intersection shall not exceed six percent for the last 100 feet toward the centerline of the intersection and shall not exceed two percent for the final 15 feet to the edge of the major street. The distances shall be measured along centerlines. The grades shall be computed on a line within the traveled way and no more than seven feet from the edge of the roadway.

(e) *Curves.*

(1) An arterial street with an alignment deflection angle of more than ten degrees shall have a centerline radius of curvature of not less than 300 feet.

(2) Between reversed curves on arterials there shall be a tangent at least 100 feet in length.

(f) *Cul-de-sacs.* Streets designed to have one end permanently closed shall be no more than 600 feet long and not less than 150 feet in length from the center of the intersection to the radius point of the cul-de-sac provided that the director may authorize longer or shorter cul-de-sac streets if design considerations and site, lot layout, and surrounding street conditions warrant.

(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 8, 1995)

49.35.240 Construction standards.

(a) Roadway requirements within the urban service boundary as shown in the CBJ Comprehensive Plan shall be as follows:

(1) *Arterials.* The developer shall not be responsible for the construction of arterial streets.

(2) *Collectors.* The roadway portion of collector streets shall be at least 32 feet wide and shall be constructed by the developer with a paved roadway, curbs, gutters, street lights, sidewalks on both sides of the street, and a storm drainage system whether surface, subsurface, or both.

(3) *Other streets.*

(A) *Typical.* The roadway portion of streets other than arterials and collectors shall be at least 28 feet wide, shall be constructed by the developer with a paved roadway, curbs, gutters, street lights, sidewalks on both sides of the street, and a storm drainage system whether surface, subsurface, or both.

(B) *Local access street.* In areas zoned D1, D3, or RR the developer may choose to construct a local access street.

(i) *Standards.* A local access street shall have a roadway at least 26 feet wide, at least 22 feet of which shall be paved. It shall include street lights, storm drainage, and at least one paved sidewalk.

(ii) *Limitations.* A local access street shall not exceed 600 feet in length. It shall not directly serve or have the potential to serve a lot or group of lots on which more than 50 dwelling units may lawfully be constructed as estimated by the planning commission in the case of major development and the community development director in the case of minor development. Estimates shall be based upon the maximum development allowed in the zoning district for the area of the proposed development together with adjacent areas that could be served by the proposed street or extensions thereof. In a transition zone, estimates shall be based upon the zoning district having the higher density.

(b) *Roadway requirements outside the urban service boundary.*

(1) *Arterials.* The developer shall not be responsible for the construction of arterial streets.

(2) *Collectors.* The roadway portion of collector streets shall be at least 32 feet wide with a gravel surface.

(3) *Other streets.*

(A) The roadway portion of streets other than arterials and collectors shall be at least 28 feet wide with a gravel surface.

(B) Provided, however, the roadway portion of local streets in new subdivisions located outside the urban service boundary may be constructed to a width of not less than 24 feet provided the estimated maximum traffic to be carried by the proposed street is less than 250 ADT. The estimation of maximum traffic to be carried shall be based upon the maximum development allowed in the zoning district for the area of the proposed development and the adjacent areas that could be served by the proposed street or extensions thereof using traffic generation rates established by the Institute of Transportation Engineers, or other recognized standard for estimating traffic generation acceptable to the City and Borough engineer.

(c) *Waivers.* The commission and the director of the engineering department may waive the following and no other construction requirements:

(1) The requirement for curbs and gutters may be waived upon a determination by the director of engineering that curbs and gutters would be impractical with the drainage system specified by the engineering department. A decision by the director of engineering on drainage, curbs or gutters may be appealed to the manager.

(2) The commission may waive requirements for paving, curb and gutters for subdivision of four and fewer lots in that area designated on the map identified as paving, curb and gutter waiver which is on file in the engineering department.

(3) The commission may waive the requirement for a subdivider to install curbs and gutters in residential subdivisions of no more than four lots, if:

(A) The existing street to be connected to the proposed right-of-way has no curbs or gutters; and

(B) The proposed street does not exceed 200 feet in length, has no potential for extension, and terminates in a cul-de-sac.

(4) If the plat is primarily for the purpose of relocating a right-of-way, the commission may vary the construction requirements under the following conditions:

(A) The existing right-of-way dedication or reservation was shown on a plat recorded before March 30, 1953, or on a conveyance from the United States of America;

- (B) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served;
 - (C) The relocated right-of-way will conform to the other standards of this chapter; and
 - (D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.
- (5) The commission may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property but does not provide any access within the subdivision. The commission can require provision of a roadbed or other appropriate improvements.
- (6) If a proposed subdivision includes dedication of a right-of-way to extend an existing street, then in lieu of the full improvement standards otherwise applicable to the proposed street, the commission may allow a subdivider to improve all or a portion of the existing street, as well as the proposed street, to a standard of improvement of a cost equivalent to that of the full improvement standards otherwise applicable to the proposed street; provided, curb, gutter and sidewalk improvements shall not be waived in commercial areas where pedestrian traffic is likely to occur, in commercial areas which provide parking in excess of ten spaces, adjacent to schools, or where an existing development plan requires such improvements.
- (7) Where a right-of-way, not necessary to provide minimum frontage and access to the proposed subdivision, is required to be dedicated for access to adjacent property, the commission may waive street construction requirements other than those applicable to roadbed design and slope erosion control.
- (8) For major subdivisions designated as remote subdivisions pursuant to section 49.70.1100, the commission may:
- (A) Waive right-of-way improvements upon a finding that construction of the required right-of-way is unnecessary for sufficient and practical access to lots created by the subdivision and would be an unnecessary public maintenance burden.
 - (B) Reduce required right-of-way improvements upon a finding that a lesser improvement than that which is otherwise required would provide for sufficient and practical access to lots created by the subdivision and that the developer has established a system for common maintenance of the improvements by property owners within the subdivision.
 - (C) To the extent consistent with topography, existing easements, and the need to promote access between neighbors, require that coastal lots in remote subdivisions include a pedestrian easement parallel to the line of extreme high tide.
- (d) *Access driveways allowed in rights-of-way.* The director of engineering may issue an excavating permit under chapter 62.05 to the owner of a lot of record which adjoins a public right-of-way to construct an access driveway to provide vehicular access to the owner's lot. In order to issue the permit, the director must

find that all of the following requirements and conditions have been met, in addition to all other applicable requirements of the City and Borough Code:

- (1) All lots to be served by the access driveway must be properly existing lots of record.
- (2) Only public rights-of-way not improved for and in use as a public road may be used for the access driveway.
- (3) The applicant must provide a notarized statement agreeing to and acknowledging the following:
 - (A) That the City and Borough shall not be obligated to provide any maintenance, grading or snow plowing for the access driveway that would not be provided as a matter of course for any other driveway located on private land;
 - (B) That the applicant and the applicant's heirs, successors, and assigns, will defend, indemnify and hold harmless the City and Borough from any claim or action for any injury, loss or damage suffered by any person arising from the design, maintenance, or use of the access driveway;
 - (C) That the access driveway will not be blocked from vehicular or pedestrian access by the public;
 - (D) That the City and Borough will have unimpeded access to the driveway to carry out other responsibilities not associated with subsection (e)(3)(A) of this section;
 - (E) That the applicant will maintain the access driveway according to the requirements and conditions established by the director of engineering in the excavation permit; and
 - (F) That the City and Borough will record a copy of the agreement with the state recorder's office for each lot or parcel of land adjoining the segment of right-of-way in which the access driveway is to be located.
- (4) A permit fee, inspection fee and performance bond must be provided according to the requirements of the engineering department. In addition, the applicant must pay a one-time sign placement fee in an amount to be established by the manager.
- (5) No new lots may be created from the division of any parcel of land that is served by the access driveway unless the driveway is converted to a full standard public road or street or other full standard access is provided.
- (6) A permit for an access driveway that could serve one to four lots may be issued only after approval of the concept for the access driveway by the planning commission under the allowable use permit procedure.
- (7) A permit for an access driveway that could serve five or more lots may be issued only after approval of the concept for the access driveway by the planning commission under the

conditional use permit procedure.
(Serial No. 87-49, § 2, 1987; Serial No. 88-30, § 2, 1988; Serial No. 2002-20, § 5, 8-5-2002; Serial No. 2006-15, § 8, 6-5-2006)

ARTICLE III.

WATER SYSTEM*

* **Cross References:** Utilities, CBJ Code tit. 75.

49.35.310 Systems required.

(a) If a major development is constructed within 500 feet or a minor development other than a single-family dwelling within 200 feet of an existing and adequate public water system, the developer shall construct a distribution system and the connection thereof to the public system. The developer shall construct and pay for any increase in the size of existing public water lines and production facilities required to serve the proposed development. A public system is adequate if, in the judgment of the manager, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level provided to the existing users.

(b) If an adequate public water system is not available, the developer shall construct a community water system unless the developer has clearly demonstrated that individual wells will provide an adequate source of safe drinking water. Proposed community water systems must meet the quantity standards established in subsection (c) of this section and must be approved by the state department of environmental conservation and other agencies having jurisdiction.

(c) The proposed source and system must meet all applicable state requirements and must be capable of producing and delivering not less than 75 gallons per person per day. Population and development densities used for the purpose of determining system capacity shall be based on those existing in similar areas.

(d) Neither a community water system nor individual wells shall be required in major subdivisions designated as remote subdivisions pursuant to section 49.70.1110.

(e) If a subdivision creates two lots, the first of which is within 200 feet of an existing and adequate public water system and the second of which is more than 1,000 feet from the system after it is extended to the first, this section shall not apply to the second lot, provided that the property is zoned RR, D-1, or D-3 and has not previously been exempted under this subsection.

(Serial No. 87-49, § 2, 1987; Serial No. 99-34, § 6, 1-24-2000; Serial No. 2003-02, § 2, 2-10-2003)

49.35.320 Fire flow.

All water distribution systems within a development in Service Area 10 and the connection between such distribution systems and the source shall be sized and constructed to meet fire flow and hydrant requirements for fire protection, without regard to the capacity of the proposed source.

(Serial No. 87-49, § 2, 1987)

49.35.330. [Reserved.]

Editors Note: Serial No. 2006-15, § 9, adopted June 5, 2006, effective July 6, 2006, repealed § 49.35.330, which pertained to the municipal water system plan. See also the Code Comparative Table.

49.35.340 Oversizing lines.

When the developer is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system within the development, the manager or the manager's designee may require any or all parts of such installation to be oversized if it can be reasonably believed that within the expected life of the new construction an increase in capacity will be required to serve other areas. The installation, compensation and other relevant matters shall be accomplished in the same manner as provided for oversized sewers under article IV of this chapter. Notwithstanding the requirement that the contractor construct improvements to existing systems, the manager or the manager's designee may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such case, the manager may require advance payment to the City and Borough of the estimated cost of work to be accomplished by the City and Borough. The City and Borough shall be reimbursed for all expenses of such design or construction not paid in advance.

(Serial No. 87-49, § 2, 1987)

ARTICLE IV.

SANITARY SYSTEMS*

* **Cross References:** Utilities, CBJ Code tit. 75.

49.35.410 Systems required.

(a) If public sewer facilities are available within 500 feet of the boundary of a major development, or within 200 feet of a minor development, the owner or developer shall install all necessary collectors and laterals.

(b) If a subdivision creates two lots, the first of which is within 200 feet of public sewer facilities and the second of which is more than 1,000 feet from the facilities after they are extended to the first, this section shall not apply to the second lot, provided that the property is zoned RR, D-1, or D-3 and has not previously been exempted under this subsection.

(Serial No. 87-49, § 2, 1987; Serial No. 2003-02, § 3, 2-10-2003)

49.35.420 Oversizing lines.

When installation of oversized sewer pipelines is required by the City and Borough engineer, the subdivider shall install such sewer pipeline at the subdivider's own expense except that in a residential development where the commission determines that the public interest is served by development prior to installation of public sewer service:

(a) The developer may enter into an agreement with the City and Borough whereby the City and

Borough, upon completion and municipal acceptance of the development sewer system, will reimburse the developer, the amount determined by the City and Borough engineer to be the difference in cost between the installed cost of the oversized sewer pipeline and the installed cost of sewer lines adequate to serve both the development concerned and all other land to be served by the sewer which is owned or under control of the developer; provided that no such agreement shall be entered into unless funds have been appropriated for this purpose by the City and Borough and the City and Borough finance department certifies there is a sufficient unencumbered balance in such appropriation. No such payment shall be made unless the developer has conveyed to the City and Borough sufficient land to ensure control by the City and Borough of connection by adjacent landowners and such conveyance has been recorded. Such conveyance shall contain the description of land to be served by the sewer, which land has been determined to be owned or under the control of the developer, and shall further contain a description of all other land which the oversized sewer pipeline is designed to serve.

- (b) The developer may enter into an agreement with the City and Borough whereby the developer will convey to the City and Borough sufficient land to ensure control by the City and Borough of connection by adjacent landowners, in return for a promise by the City and Borough that it will not allow connection by such adjacent landowners unless payment is made to the City and Borough of the amount to be set out in each contract, which the City and Borough engineer has determined to be the difference in cost between the installed cost of the oversized pipeline and the installed cost of sewer lines, adequate to serve both the development concerned and all other land to be served by the sewer, which land is owned or under the control of the developer.
- (c) No development of any land described in any conveyance pursuant to subsections (a) and (b) of this section shall be approved by the platting board or commission, nor shall connection of the described lands to such sewer system be allowed by the municipal engineer until the City and Borough finance department has determined and certified to the commission, in writing, that any amounts paid to the developer under this section have been repaid to the City and Borough with interest.

No such repayment shall be required from the lands which were considered as the lands owned or controlled by the developer in computation of the original amount to be set out in the contract and described as such in the conveyance referred to above.

Such agreement shall provide that such amounts, without interest, and collected by the City and Borough, be paid to the owner of record of each lot, tract or parcel within the development. It shall further provide that there shall be no such latecomer charge for connections which serve only the lands which were considered as lands owned or controlled by the developer in computation of the original amount set out in the contract.

- (d) When connections to such oversized pipeline are made by any land subject to the requirement of repayment under subsections (a) and (b) of this section, the entire amount shall be paid; however, should such lands comprise less than the total land benefitted by the oversized pipeline, the prorate share allowable to the other benefitted lands may be included in an agreement as in subsection (c) of this section.

(Serial No. 87-49, § 2, 1987)

49.35.430 Private treatment systems.

(a) If a public sewer is not available, septic tanks, leaching fields or other private sewerage facilities may be permitted, provided the state department of environmental conservation must approve all private sewerage systems and treatment plants, and provided that the owner of a lot using one of the above-listed private sewerage facilities obtains from the Engineering Department a CBJ on-site wastewater treatment and disposal system permit prior to a certificate of occupancy being issued. The requirements for obtaining a wastewater treatment and disposal system permit, and the permit fees, shall be established by regulations issued by the Manager pursuant to CBJ 01.60. Such regulations may require the landowner to enter into a contract with the CBJ Public Works Department or its designee for operation, monitoring, or maintenance of the private sewerage facility.

(b) Violation of a regulation adopted pursuant to subsection (a) of this section is an infraction. (CBJ Code 1970 §§ 49.35.430, 49.35.440; Serial No. 87-49, § 2, 1987; Serial No. 2005-16(b), § 2, 6-13-2005)

ARTICLE V.

DRAINAGE*

* **Cross References:** Utilities, CBJ Code tit. 75.

49.35.510 Drainage plan.

(a) The developer shall provide a total surface drainage plan for approval by the director of engineering. The plan shall be prepared by a civil engineer licensed to practice in Alaska, shall show all drainage facilities, and shall include the calculated increase in stormwater runoff resulting from the proposed development as well as the runoff from the included drainage area runoff calculations shall be based on a fully developed subdivision and a 25-year storm event. The plan shall include an evaluation of existing drainage ways and structures located between the subdivision and the approved waterway and shall verify that the existing drainage ways can accommodate the increased runoff. Any improvements required due to increased flows shall be included as part of the subdivision improvements. The plan shall show all public and any required private drainage facilities in the subdivision. Changes in the locations of drainage outfalls from the subdivision will not be permitted unless approved by the director of engineering.

(b) All major developments shall be provided with private drainage easements and drainage facilities adequate to prevent increased surface or subsurface runoff to abutting properties. Any drainage improvements required by this section shall be constructed and approved prior to or contemporaneous with the final approval of any required streets.

(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 9, 1995; Serial No. 2002-20, § 6, 8-5-2002)

49.35.520 Systems required.

The developer shall install all on and off-site improvements shown on the plan except as otherwise noted.

(Serial No. 87-49, § 2, 1987)

49.35.530 Municipal planned area drainage system.

The developer shall install that part of a municipal planned area drainage system within 500 feet of a major development, or 200 feet of a minor development, if the rights-of-way, easements or other permits necessary to construct such system part have been or will be acquired by the City and Borough prior to a date to be established by the commission. If the commission does not set a date, the date shall be six months from preliminary plat approval. If adequate easements or permits have not been acquired by the time of preliminary plat approval, the City and Borough shall immediately attempt to acquire the necessary easements or permits without cost to the City and Borough or at a cost not to exceed either fair market value or the amount appropriated for the purpose of acquiring such easements or permits, whichever is less. If the manager determines that the easement or permit will be acquired by the City and Borough before the development is developed, the developer shall deposit with the City and Borough the amount determined by the engineering department to be the applicant's fair share of the easement cost. The developer may acquire for the City and Borough the necessary easements or permits or may contribute to the City and Borough part or all of the cost of acquiring any easements or permits which the City and Borough is willing to acquire but for which adequate funds are unavailable. The commission may require the developer to make improvements to the downstream parts of the municipal planned area drainage system necessary to accommodate the drainage from the development. If the developer does not install such improvements or that part of the municipal planned area drainage system that is within the development, the developer shall make a payment in lieu thereof to the City and Borough and shall install an interim drainage system, both as prescribed by the engineering department. Payments made in lieu thereof made by a developer under this section shall be used to offset special assessments made against the property for municipal planned area drainage system improvements within the development or applied to the cost of such improvements within the development.

(Serial No. 87-49, § 2, 1987)

49.35.540 Easements.

The developer shall provide and dedicate easements along any stream or body of water in such width as the City and Borough engineering department determines is necessary for widening, improving or protecting the stream or body of water.

(Serial No. 87-49, § 2, 1987)

ARTICLE VI.

PEDESTRIAN ACCESS

49.35.610 Walkways.

Pedestrian walkways not less than five feet wide may be required through blocks longer than 600 feet or where deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

(Serial No. 87-49, § 2, 1987; Serial No. 2002-20, § 7, 8-5-2002)

49.35.620 Sidewalks.

- (a) The subdivider shall construct sidewalks on both sides of all streets furnished with curbs and gutters in any residential or commercial subdivision within the urban service area, provided that local access streets may be constructed with one sidewalk not less than five feet wide.
 - (b) Waivers.
 - (1) If the topography and lot arrangement in a residentially zoned subdivision is such that lots or property on a side of the street will not use that street for primary street access, and the commission determines that development of abutting and other nearby property will not create a need for sidewalks on both sides of the street, the commission may require a sidewalk on only one side of the street. If it grants such a waiver, it may require the remaining sidewalk to be constructed to a greater width than would otherwise be required.
 - (2) The commission may waive a sidewalk requirement and allow alternative pedestrian improvements to be constructed outside the right of way upon a finding that the alternative will:
 - (A) Take advantage of natural features of the site or implement the Juneau Non-motorized Transportation Plan; and
 - (B) Provide safety, quality, and function equivalent to the requirement waived.
- (Serial No. 87-49, § 2, 1987; Serial No. 2002-20, § 8, 8-5-2002)

49.35.630 Bike paths.

Bike paths, where required, shall be constructed pursuant to the state department of transportation and public facilities highway preconstruction manual on "Bicycle Ways."
 (Serial No. 87-49, § 2, 1987)

ARTICLE VII.

UTILITIES*

* **Cross References:** Utilities, CBJ Code tit. 75.

49.35.710 Underground utilities. (Reserved)

Cross References: Public utility transmission facilities, CBJ Code ch. 62.40.

49.35.720 Provision of utilities. (Reserved)

49.35.730 Construction plans.

Construction plans required under this chapter shall include the location of all existing and proposed utilities.
 (Serial No. 87-49, § 2, 1987)